

REMARKS

This amendment is in response to the Office Communication mailed April 24, 2006.

Claims 1-9, 11-14, 17, 19-25 are pending. Claims 15-16 have been withdrawn by the Examiner. Claim 10 has now been withdrawn by the Applicant. Claims 11 and 25 have been amended. No new matter has been added by the amendments.

Please note that while claims 17, 18 and 21 are now designated as "Previously Presented," as stated in the Amendment filed on February 13, 2006, the amendments to claims 17, 18 and 21 were *proposed* amendments submitted for the Examiner's consideration and were to be entered only if deemed necessary. In the proposed amendments, claim 18 had been cancelled without prejudice.

As per the telephone interview with Examiner Peter Paras, Jr. on April 26, 2006, Applicant acknowledges the Examiner's confirmation that item (2) in the Office Communication was in error, as the required information was previously provided on page 9 of the Applicant's Response filed February 13, 2006. Therefore, Applicant acknowledges that the required statement verifying that no new matter was added and that the content of the CRF and paper sequence listings are the same, was adequately provided on February 13, 2006.

Claim 25 has now been amended to include a sequence identifier as requested by the Examiner in item (1) of the Office Communication. Namely, claim 25 now recites, *inter alia*:

The recombinant virus according to claim 9, wherein the mutation comprises a deletion encompassing amino acids 122-129 (LTCHEAGF) (SEQ. ID. 5) of E1A.

The Examiner stated that the Applicant did not elect a species of gene which encodes a restoring factor. The Applicant reiterates that WO95/12660 is deemed not relevant to the present invention and therefore cannot be held applicable against the present invention for at least for the reasons described in the Response filed on February 13, 2006. Nevertheless, the Applicant herewith elects, with traverse, p53 as the single elected species. This embodiment is essentially recited in claim 11. Claim 10 has been withdrawn.

Since the Examiner has considered the status of claims 1-9 and 14 as generic, it is understood by the Applicant that should independent claim 1 be deemed allowable, claim 10 should be reconsidered by the Examiner in this application. Hence, claim 10 has not been cancelled but designated as withdrawn until such claim can be reconsidered in view of an allowance of a generic claim from which claim 10 depends. Reconsideration is respectfully requested.

Accordingly, Applicant(s) respectfully submit that this Amendment, taken in conjunction with the Applicant's response filed February 13, 2006, constitutes a complete response to the Office Action of January 13, 2006.

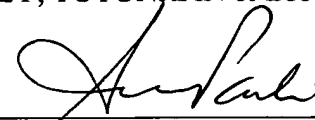
CONCLUSION

The Examiner is encouraged to contact the undersigned directly via telephone with regards to any additional matters which need to be discussed.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,
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